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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

ROWAN, KURT C

ART UNIT

PAPER NUMBER

3643

DATE MAILED: 02/13/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. <b>09/674,443</b>	Applicant(s) <b>SAFWAT</b>
	Examiner <b>KURT ROWAN</b>	Art Unit <b>3643</b>
		
<i>-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --</i>		
<b>Period for Reply</b> A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. <ul style="list-style-type: none"> <li>- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.</li> <li>- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.</li> <li>- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.</li> <li>- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).</li> <li>- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).</li> </ul>		
<b>Status</b> <p>1) <input type="checkbox"/> Responsive to communication(s) filed on _____</p> <p>2a) <input type="checkbox"/> This action is FINAL.      2b) <input checked="" type="checkbox"/> This action is non-final.</p> <p>3) <input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i>, 1935 C.D. 11; 453 O.G. 213.</p>		
<b>Disposition of Claims</b> <p>4) <input checked="" type="checkbox"/> Claim(s) <u>1-47</u> is/are pending in the application.</p> <p>4a) Of the above, claim(s) _____ is/are withdrawn from consideration.</p> <p>5) <input type="checkbox"/> Claim(s) _____ is/are allowed.</p> <p>6) <input checked="" type="checkbox"/> Claim(s) <u>1-47</u> is/are rejected.</p> <p>7) <input type="checkbox"/> Claim(s) _____ is/are objected to.</p> <p>8) <input type="checkbox"/> Claims _____ are subject to restriction and/or election requirement.</p>		
<b>Application Papers</b> <p>9) <input type="checkbox"/> The specification is objected to by the Examiner.</p> <p>10) <input type="checkbox"/> The drawing(s) filed on _____ is/are objected to by the Examiner.</p> <p>11) <input type="checkbox"/> The proposed drawing correction filed on _____ is: a) <input type="checkbox"/> approved b) <input type="checkbox"/> disapproved.</p> <p>12) <input type="checkbox"/> The oath or declaration is objected to by the Examiner.</p>		
<b>Priority under 35 U.S.C. § 119</b> <p>13) <input type="checkbox"/> Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).</p> <p>a) <input type="checkbox"/> All b) <input type="checkbox"/> Some* c) <input type="checkbox"/> None of:</p> <ol style="list-style-type: none"> <li>1. <input type="checkbox"/> Certified copies of the priority documents have been received.</li> <li>2. <input type="checkbox"/> Certified copies of the priority documents have been received in Application No. _____.</li> <li>3. <input type="checkbox"/> Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</li> </ol>		
<p>*See the attached detailed Office action for a list of the certified copies not received.</p> <p>14) <input type="checkbox"/> Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).</p>		
<b>Attachment(s)</b> <p>15) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</p> <p>16) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</p> <p>17) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____</p> <p>18) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____</p> <p>19) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</p> <p>20) <input type="checkbox"/> Other: _____</p>		

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**DETAILED ACTION**

***Specification***

1. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 12, 24, 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Richard.

The patent to Richard shows a fishhook having an electrically conductive shank 8 having an eye (not labeled) adapted to be coupled to a fishing line. Richard shows an electrically conductive bend, a point and a self-contained bioelectric simulating means which is the interaction between anodic area of steel 4, a plastic band 7, and the gold coating 8.

4. Claims 17-21, 27-35 are rejected under 35 U.S.C. 102(b) as being anticipated by Rodgers.

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The patent to Rodgers shows a bioelectric simulating fishing lure having a body and electrically conductive strands 11, 13 which have sections secured to the body and other sections that protrude from the body as shown in Fig. 1. The strands are treated to provide the biosimulating means which upon immersion in water an electromagnetic field is produced about the lure to induce a strike from a fish as disclosed in column 2, lines 46-52.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4-11, 16, 25, 42-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Richard as applied to claim 1 above, and further in view of Barfield.

The patent to Richard shows a fishhook as discussed above. The patent to Barfield shows a fishing lure having an artificial lure A' located on the fishhook as shown in Fig. 7. In reference to claims 4-5, it would have been obvious to provide Richard with an artificial lure mounted on the

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fishhook for the purpose of attracting more fish to the lure and inducing those to strike the lure which increases the number of fish caught.

6. Claims 22-23, 37-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Massie.

The patent to Massie shows a fishing lure having a plurality of strands 6, 7, one of the strands is considered as the anodic segment and the other of the strands is considered as the cathodic segment. Massie has the strands separated and an electronic current flows between the fluttering electrodes which inherently produces an electromagnetic field. In reference to claim 22, Massie shows separate strands but it would have been obvious to employ the anodic and cathodic segments on the same strand since the function is the same and no stated problem is solved.

7. Claims 13-15, 40-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Richard.

The patent to Richard shows a fishing hook as discussed above. Richard does not disclose that the material forming the enlarged portion adjacent the eye (compared to the bend 4 in Fig. 1c) is heavier than the material of the shank, but it would have been obvious to employ heavier material at the enlarged portion of the hook to alter the balance of the hook depending on fishing conditions, the type of lure action being sought, and whether a trailer is mounted to the hook. In reference to claim 14, Richard shows one bend and one point, but it would have been obvious to employ a double hook (which would have a pair of bends) for the purpose of increasing the chance of hooking the fish. In reference to claim 40, Richard shows all of the elements recited

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with the exception of the extension hardware coupled to the eye. However, it would have been obvious to employ old and well extension hardware to space the hook from the fish line. The examiner takes Official Notice that double hooks along with a pair of bends and extension hardware are old and well known in the art.

8. Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rodgers. The patent to Rodgers shows a fishing lure as discussed above. Rodgers does not disclose replacing the fishhook to change cathodic segments, but it would have been obvious to change the fishhook to change cathodic segments instead of replacing segments 11, 13 since the function is the same and no stated problem is solved.

### *Conclusion*

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents to Ho et al., Hawley, Linder, Gentry et al., and Anderson show other fishhooks and fishing lures with electric elements.

10.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KURT ROWAN whose telephone number is (703) 308-2321.

The examiner can normally be reached on Monday-Thursday from 6:30 a.m. to 5:00 p.m.

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The fax phone number for the organization where this application or proceeding is assigned is (703) 306-4195 or (703) 305-3597.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.



KURT ROWAN

PRIMARY EXAMINER

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February 6, 2002